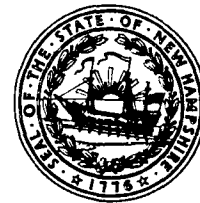




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



April 20, 2000

Mr. Mark Hardy  
Board of Selectmen  
Town of Candia  
74 High Street  
Candia, NH 03034

**CERTIFIED MAIL (P 605 006 848)**  
**RETURN-RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. ARD 2000-008**

Re: Open Burning of Materials that Do Not Conform to the Provisions of CHAPTER ENV-A 1000 and PIP Authorization No. 738

Dear Mr. Hardy:

On March 22, 2000, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed an inspection at the Town of Candia's Open-burning activities at Candia's Solid Waste Recycling Facility ("the Facility") located at 119 New Boston Road, Tax Map 52, Lots 108-109, in Candia, NH. The purpose of the inspection was to determine compliance with the NH Admin. Rules 100-3600, NH Rules Governing The Control of Air Pollution, specifically, CHAPTER Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and AUTHORIZATION TO BURN WOOD & YARD WASTES, PIP No. 738 ("PIP No. 738") which authorizes the Town of Candia to operate a municipal burn site for untreated waste wood and brush.

At the time of the inspection, non-conforming materials were found in the burning pile. In particular, the DES inspector observed metal, mattress springs, insulation, electrical boxes, shovel heads, metal wrenches, vinyl siding and foam padding in the pile of smoldering ash in the open-burning area. In addition, on March 21, 2000, a DES representative observed coax-cable in the burn pile. Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2) and Condition 2(a)(b) of PIP No. 738.

Env-A 1001.04(a)(2) restricts any city or town to burning only brush or untreated wood.

Condition No. 2(a)(b) requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that the following materials only shall be accepted and treated at the burn site:

- a. "Brush", defined to mean tree tops, limbs, saplings, and tree cuttings, to include attached leaves which are five inches in diameter or less, and slash which measures five (5) inches in diameter or less; and
- b. "Untreated wood", defined to mean any timber, board, or sawn dimensional lumber which has not been treated, coated, or preserved. This term does not include any manufactured building material, such as plywood or waferboard.

Based on information obtained during the inspection, the fire was allowed to burn for more than eighteen hours over two days. Although the pile was attended, PIP authorization, Condition 7, states that burn activities shall be limited to two (2) non-consecutive days. Allowing the pile to burn beyond the one day is a violation. In addition, Condition 10 of your PIP authorization states that the fire shall be completely extinguished at the end of the normal work day, with no overnight smoldering. Based on the inspection, the pile was not extinguished at the end of the normal work day and did continue to smolder into the next day with flare-ups.

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

1. Separate materials that do not meet the specifications of Condition 2 of PIP No. 738 from the burn area, and burn only permissible materials as described in PIP No. 738;
2. Do not accept non-conforming materials in the burn area and do not stock non-conforming pile materials in the burn area, as stated in Condition 4 of PIP No. 738.
3. Completely extinguish the burn pile at the end of the normal workday, do not burn longer than the normal work day, and do not allow the pile to smolder over night as stated in Conditions 7 and 10 of PIP No. 738.
4. Submit a statement in writing to DES within ten (10) days of receipt of this Letter of Deficiency acknowledging receipt and attesting that if open burning activities continue they will be conducted in accordance with PIP No. 738 and Env-A 1000.

Attached is a copy of PIP No. 738 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:


Ms. Mary Ruel  
New Hampshire Department of Environmental Services  
Air Resources Division, Compliance Bureau  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

In addition, due to the nature of the material burned in violation of your PIP authorization and Env-A 1000, the ash residue may be a hazardous waste. As stated in Condition 11 of your PIP authorization, in the event that unauthorized materials are burned at the site, the Town shall comply with the requirements for testing the ash residue in accordance with the Hazardous Waste regulations. Therefore, based on the above violations, we have referred this issue to the DES Waste Management Division. Should you have any questions regarding ash sampling and analysis or ash disposal, please contact Richard Reed at (603) 271-2900.

In the event that compliance is not achieved within the specified time frame, DES may take further action against you, including issuing an administrative order, seeking administrative fines, revoking PIP No. 738, and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. Please note that DES may conduct follow-up inspections to verify your compliance with air pollution control requirements.

If you have any questions concerning this letter of deficiency, please contact Ms. Mary Ruel, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,

  
Robert R. Scott  
Compliance Bureau Administrator  
Air Resources Division

Enclosure: PIP No. 738 and Env-A 1000

cc: K. A. Colburn, DES O/C  
G. Rule, DES O/C  
R. Reed, DES WMD  
T. McCusker, EPA, Region I  
Brien Brock, Chairman, Board of Selectmen - Town of Candia